

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA**

February 01, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session February 01, 2011, at 6:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Jim Righeimer

MOMENT OF SOLEMN EXPRESSION - Reverend Doctor Barbara Stewart, St. John's Episcopal

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem Jim Righeimer
Council Member Eric Bever
Council Member Wendy Leece
Council Member Stephen Mensinger

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

ANNOUNCEMENTS

The Mayor announced various upcoming events taking place in the city:
- February 9, 2011 at 9:45 a.m. - Grand opening of Fresh & Easy, 1835 Newport Boulevard.
- February 17, 2011 at 7:00 a.m. - Costa Mesa Chamber of Commerce Breakfast with guest speaker Allan Roeder

PRESENTATIONS

The Mayor congratulated Jeanette Chervony, Community Services Specialist, on being selected Employee of the Month for February, and commended her for her hard work in overseeing the massage practitioners and establishments, as well as the permitting process. Council Member Mensinger also recognized her for her involvement with POP Warner.

Patrick Fuscoe of MiOcean Foundation provided an overview of the foundation's objectives and projects, recognized the City's efforts to fight urban pollution, and presented the Council with a grant check for the Fairview Park Wetlands and Riparian Habitat Project.

PUBLIC COMMENT

James Proctor, Costa Mesa, spoke in regards to the budget gap.

Jay Photoglou, Huntington Beach, read a statement regarding his experience with the Police Department regarding a situation he was involved in.

The City Manager responded to the speaker's comments and informed Council of the efforts by that of staff and other law enforcement entities who have been responsive and have expended time in responding and investigating of his complaints, part of which the speaker demands to be involved in. He noted that additional "pertinent" information from the speaker has been requested in order to forward to the District Attorney.

Jim Fitzpatrick, Costa Mesa, announced a free upcoming six-part ecology awareness series to be held at the Neighborhood Community Center, that would to be presented by the Costa Mesa Green Task Force, and was to be sponsored by the Orange Coast College.

Tim Lewis, Costa Mesa, read a letter he wrote in response to the Police Department's response to a complaint that he was "attached".

David Kinkade, Costa Mesa, suggested criteria for Council to consider when choosing a police chief in the future: that they become a resident of the City, that the family is part of the community, individual should be a leader and suggested promoting from within.

Valerie Boston, Costa Mesa, reiterated about her negative experience in obtaining an assistance dog license.

Terry Shaw, Costa Mesa, on behalf of the Costa Mesa Historical Society, announced the upcoming annual dinner at Orange Coast College Captain's Table on February 25, featuring Bill Burke, the oldest American to have climbed Mount Everest.

Martin H. Millard, Costa Mesa, encouraged Council to hire from within the city for all positions, and expressed concern regarding produce trucks in the Mesa North neighborhood.

Chris McEvoy, Costa Mesa, commented on campaign contributions, and expressed concern regarding government transparency.

Chris Otis, Costa Mesa, asked about the process of appointments for the Homeless Task Force.

II CONSENT CALENDAR ITEM NOS. 1 THROUGH 4

MOTION: To approve the recommendations for Consent Calendar Item Nos. 1 through 4.

Moved by Mayor Gary Monahan, seconded by Mayor Pro Tem Jim Righeimer.

1. Reading Folder.

ACTION: The following Claims were received by the City Clerk for processing: Keller Rackauckar on behalf of David C. Bartholomew; Jorge Correa; St. Mary Trust on behalf of Joseph Gabrill; and Law Offices of Sharona Eslamboly Hakim on behalf of Mustafa Rafique.

The following letters of notification were received by the City:

Informational Advice Letter 510, 1st Quarter 2011 Report of TW Telecom of California, LP (U-5358-C) (formerly ?Time Warner Telecom of California, LP?) (?TWTC?) for Local Exchange Projects

Verizon Wireless Notification Letter for Airway of Los Angeles SMSA Limited Partnership (U-3003-C), of Los Angeles-Long Beach/Anaheim, CA MSA

2. Regular meeting of October 5, 2010, January 4, 2011, and January 18, 2011.

ACTION: Approve.

3. Warrant Resolution 2353, funding City operating expenses for \$794,035.27.

ACTION: Adopt resolution.

4. Warrant Resolution 2354, funding Payroll No. 11-02 for \$2,166,853.49, and Payroll No. 11-01 "A" for negative \$467.36 and City operating expenses for \$721,759.21, including payroll deductions.

ACTION: Adopt Resolution.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

As it was not yet time for public hearings per Resolution No. 05-55 it was unanimously agreed to take New Business out of order of the agenda.

V NEW BUSINESS

1. Building permit requirements for masonry walls.

Development Services Director Kimberly Brandt summarized the report, and responded to questions from the Council regarding fees for the permits.

Valerie Boston, Costa Mesa, noted her neighbor's wall was a problem, and expressed support for the ordinance.

Sandra Genis, Costa Mesa, spoke in opposition of the ordinance, opining that the requirement was overregulation.

Beth Refakes, Costa Mesa, asked for clarification regarding the fee structure and costs, and stated her belief that permits are not necessary for walls less than four feet in height.

Martin H. Millard, Costa Mesa, spoke in opposition of the permit requirements for walls, and expressed concern regarding overregulation.

Council Member Leece opined that the permit requirement would increase government and bureaucracy and would increase the cost of doing business in the city.

MOTION: Direct staff to prepare an ordinance requiring permits for masonry walls over three feet in height.

Moved by Mayor Pro Tem Jim Righeimer, seconded by Mayor Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

2. New Council Policy 500-16 for Community Event Streetwide Banners.

Senior Planner Claire Flynn presented the staff report, and responded to questions from the Council regarding existing promotional banners, priority consideration for organizations, and the restrictions on the placement of banners on light standards, cost and funding of the poles.

Mayor Pro Tem Righeimer asked if it would be possible to place banners on major streets. Public Services Director Peter Naghavi responded that placing banners on streets with four or more lanes would create structural calculation and consideration issues, as well as the probability of increased traffic congestion, risk of car accidents, and wind concerns.

Council Member Bever expressed concern regarding the billboard effect of the banners. Council Member Leece felt the locations should be removed for staff to further review appropriate locations.

Sandra Genis, Costa Mesa, expressed concern of the cost of the installation of the polls for the banners and the regulation of content.

Greg Ridge, Costa Mesa, felt that would create mini billboards, and would contribute to blight.

Beth Refakes, Costa Mesa, felt that there were better ways to promote an event and commented that any extra money should be spent on capital improvements.

Mayor Pro Tem Righeimer expressed interest in hanging banners for major community events.

Discussion amongst the Council and staff ensued regarding the frequency of banner requests, the types of events that could be promoted using the banners, and the approval authority for the banners.

Council Member Mensinger opined that the banners would be a good way to promote community activities and would promote a sense of cohesiveness in the community, and recommended additional locations to consider for the placement of banners.

Council Member Leece recommended not including a listing of the locations in the policy, suggesting staff continue to review locations for installation when funding was available.

Mayor Monahan was supportive of removing the locations from the draft policy and to find alternate locations.

**MOTION: Approve; adopt Council Policy 500-16, as amended, removing the specified locations; direct staff to bring back for Council consideration alternate locations; direct staff to prepare a "Community Event Streetwide Banner Agreement" document for banners displayed on City poles across a public street and to budget funding for Fiscal Year 2011-2012
Moved by Council Member Stephen Mensinger, seconded by Mayor Gary Monahan.**

SUBSTITUTE MOTION: Receive and file
Moved by Council Member Wendy Leece. Motion died for lack of second.

Council Member Leece felt that there were other priorities that the funding would be useful for and questioned the length of time that the banners would be allowed to be displayed.

SUBSTITUTE MOTION: Receive and file, and direct staff to review locations where existing light standards may be used, if possible.

Moved by Council Member Eric Bever, seconded by Council Member Wendy Leece.

Public Services Director Peter Naghavi responded to a question regarding the use utility standards by informing that there is a limit on the loading for the poles and it would require a permit from the utility company, if it is authorized.

Council Member Bever amended the motion to include directing staff to work with the utility companies regarding what is acceptable and possible locations for a banner display using the light standards. It was agreed to by Council Member Leece.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Eric Bever, Council Member Wendy Leece

Noes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Stephen Mensinger

Absent: None.

A vote on the original motion was taken.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Stephen Mensinger

Noes: Council Member Eric Bever, Council Member Wendy Leece

Absent: None.

III PUBLIC HEARINGS

1. PUBLIC HEARING: Request to extend the closure date for a recycling center (Garcia Recycling) due to the revocation of minor conditional use permits ZA-89-25 and ZA-92-10. Environmental Determination: Exempt.

Senior Planner Mel Lee presented the staff report, and indicated a written request for a nine-month extension was received by the legal counsel for Garcia Recycling. He noted that an application was filed for a Conditional Use Permit for a new proposed location for the recycling center.

Patricia Chen of Miles Chen Law Group, representing Garcia Recycling, provided an update of the efforts to relocate the recycling facility. She explained the plans and objectives for the new facility, which would address previous concerns such as noise, odors, and homelessness, and noted that the new facility would take three to six months to go through the Conditional Use Permit process and approximately 6 months to build the new facility. Therefore, it was the applicant's request for an extension to continue the existing business in order to provide recycling services.

Edward Carmona, Costa Mesa, spoke in opposition of the nine-month

extension, and expressed concern that the project would drag beyond the requested time.

Omar Molina, Costa Mesa, suggested the use of the Lighthouse Church parking lot for recycling.

Ron Underwood, Newport Beach, of Bickel Underwood Architecture Firm, addressed Council's concerns regarding their efforts to submit plans and move along the permitting process.

MOTION: Deny the request for the extension of Minor Conditional Use Permits ZA-89-25 and ZA-92-10.

Moved by Mayor Pro Tem Jim Righeimer, seconded by Council Member Stephen Mensinger.

Mayor Pro Tem Righeimer opined that the proposed major development project and the extension request for the current location were two separate issues, should not be linked together and indicated that issues at the current operation were still present.

Council Member Leece asked what steps had been taken by Garcia Recycling to resolve the issues at the existing location addressed during the revocation hearing, and asked if a 30-day requirement would allow them enough time to mitigate the existing issues. Ms. Chen responded that their efforts had been focused on relocation and lease negotiations, but parking signs had been posted. She further stated that they were open to mitigating additional issues at the existing location within 30 days.

SUBSTITUTE MOTION: Grant a 30-day extension to provide time for mitigation of ongoing issues at the existing site.

Moved by Council Member Wendy Leece. Motion died for lack of second.

Mayor Monahan agreed that the extension request was a separate issue from the proposed development, commented that he could not support the substitute motion due to the lack of mitigation of the ongoing issues at the existing site.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

IV OLD BUSINESS

No Old Business scheduled.

VI COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Eric Bever directed staff to look into fee reductions or waivers

for overlay zone areas and requested an update on the loan between the City and the Redevelopment Agency.

Mayor Gary Monahan referred to safety concerns at Davis Field and requested staff to look into installation of additional netting; requested an update regarding the status of the Police Chief; requested an update at the next study session relative to the State and the Redevelopment Agency funds and for the Public Employees Retirement System; reported on the meeting of the Budget Working Group noting the following recommendations for future consideration:

1. No use of fund balance for the remainder of the year,
2. Give authorization to the Assistant City Manager to recruit and obtain outside independent help to review, reorganize, and streamline departments citywide, including, but not limited to the Police and Fire Departments, with the intent of rightsizing or downsizing,
3. Direct staff to bring back recommendations from the previous year for budget cuts at 15 percent,
4. Review current minimum police patrol staffing for consolidation or elimination of positions,
5. Discuss the elimination of ABLE helicopter program,
6. Review of the Orange County Fire Authority proposal,
7. Joint regional operations with the Cities of Newport Beach, Huntington Beach, and Fountain Valley, and
8. Review the daily shift requirements with the goal of reverting to 5/40 work schedule citywide.

Mayor Pro Tem Jim Righeimer thanked staff for their hard work, inquired on the potential for outsourcing relative to notice requirements and possible services. Assistant City Manager Hatch responded on the need to hire a consultant and the dedication of time and staff to the process.

VII REPORTS

The City Manager informed the Council regarding the efforts of the County Homeless Commission that is chaired by Supervisor John Moorlach and suggested it as a resource for issues that the Homeless Task Force will be focused on.

The Mayor recessed the meeting at 8:41 p.m. to conference room 1B for the Closed Session.

VIII CLOSED SESSION

1. Public Employment, Title: City Manager, pursuant to California Government Code section 54957(b).

IX CLOSED SESSION REPORT

ACTION: No action was taken.

X ADJOURNMENT - The Mayor adjourned the meeting at 9:08 p.m. to February 8, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: February 15, 2011.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa